

you are sitting in India's Parliament, you are a member of their Congress and you have one choice to make, security or energy, security or energy—how would we vote? How would we vote confronted by that choice?

That is a choice with which India may well be confronted without additional sources of energy here or supplies that would allow them to promote the more commercial use of this power.

I don't necessarily want to put India in that position to make that choice because I think I know what choice they would make. I suspect it is the same choice we would make. We bear an obligation to the people of this country to keep them secure. I suspect the Indian parliamentarians feel likewise. When confronted by that choice, my view is they would choose to make security the choice, the very thing my colleagues argued against would, in fact, be driving them to that conclusion.

Obviously, the energy debate is a critical one. Again, no one has been more of an advocate of green technologies than our colleague from New Mexico, one of the stalwarts in this debate for many years—not just recently, where it has become popular to argue for alternative energy resources. But if we take away this alternative, India is growing—1.3 billion people. It has 300 million people living at middle-class or upper middle-class standards. They have a billion people living in abject poverty in India. They are seeking ways, of course, to bring many of those people out of poverty and improve the quality of their lives.

India understands that coal-fired electrical power plants are a liability, but India cannot afford to slow the growth of energy production at the same time its population is growing and trying to deal with the economic circumstances of its people.

India says we would like to build more commercial powerplants. It seems to me, for those of us who want to reduce the carbon footprint, the carbon emitters with India being a major supplier of carbon emissions it is in our interests to encourage them to move in a different direction. If we do not have some sort of arrangement or understanding on how to achieve that while simultaneously moving them away from that choice I mentioned a moment ago, we end up potentially where they have more weapons, doing little or nothing about energy production. It is a lose-lose proposition. We end up with India with nuclear weapons, and we end up with a nation that continues to use coal-fired plants, of course, endangering us further when it comes to the issue of global warming and the like. That is a further reason, I would argue, we ought seriously to understand the import of these amendments and appreciate the alternative presented by the bill before us.

I mentioned earlier, in fact, the very concerns raised by my two colleagues are covered by existing law. It is not as

if there is some vacuum that exists, that there would be no repercussions should India decide to pursue and test nuclear weapons. Let me share with my colleagues. Again, I invite Members or their staffs to come over and be briefed by staff who spent literally their adult lives, their professional careers working on these bills. The suggestion that this was thrown together somehow in a quick hearing before the Foreign Relations Committee in a sense fails to understand the work done by our collective staffs on these matters going back years. In fact, previous Members of this body—no one cared more about this issue than John Glenn of Ohio. He was an advocate on this issue long before many were. I am going to share in a minute some of the law that bears his name and is still the law of the land when it comes to these issues, the Glenn amendment, and how we deal with the issue of countries that would, in a sense, go into the use of nuclear weapons.

This amendment would bar any and all nuclear exports for all time, without any exception or waiver, if India detonates a nuclear device.

Section 106 sets a different standard for India than we have for any other nonnuclear weapons state, which is what it is under the Nuclear Non-Proliferation Treaty and U.S. law. There is no need, I think. I think it would be very harmful to single India out in such a manner. There are other nations in a similar situation. I don't hear amendments being offered to suggest they all ought to be treated the same way. I suspect you would run into a buzzsaw if you did so. We are picking out the one great democracy in south Asia, with whom we have had a very testy relationship for 35 years, which is critical for dealing with the fragile issues that section of the world poses, and we are going to say: They and no one else gets that kind of treatment.

You can imagine the reaction we might get from a nation that is now reaching out to us for the first time in approaching half a century to get us back on a far different track than the one we are on.

India would clearly see this provision as an effort to put in place special penalties against that nation, if it were ever to respond.

Frankly, the proposed new section, as I said earlier, is a section I think poses some serious issues. I have commented before, I have put the language in of the administration. I think everyone mentioned earlier, and I will quote from the Secretary of State, she said:

We have been very clear with the Indians. Should India test, as it has agreed not to do so, or should India in any way violate the IAEA safeguards agreements to which it would be adhering, the deal from our point of view would be at that point off.

Under Secretary of State Bill Burns, before our committee, repeated that quote to us.

What is more, as I said, the amendment is unnecessary. Several provi-

sions of existing law already apply to India.

The Glenn amendment sanctions under the Arms Export Control Act cut off a wide array of foreign aid, defense exports, bank credits and dual-use items.

There is no waiver. No waiver under the Glenn amendment. That was modified some years later, but there would be no waiver. The Glenn amendment is tougher in many ways than what we talking about here, we can argue, in that it doesn't provide any kind of relief. Congress enacted a waiver in 1999, somewhat of a waiver, after India and Pakistan tested in the 1990s, but that waiver authority terminates for either country that tests again. So under the modified Glenn amendment, there is no waiver authority. Under Glenn, the role of the United States and our relationship with India is clear.

Section 129 of the Atomic Energy Act already prohibits exports to a non-nuclear weapon State if it detonates a nuclear device. That one is subject to waiver by the President. India is still a nonnuclear weapon state by definition, and therefore would be included under this. That law is on the books, very similar to what is being advocated in the amendment posed by our two colleagues. The President could only use the waiver under section 129, I would add, if he finds that ceasing exports would be "seriously prejudicial" to the achievement of the U.S. nonproliferation objectives or would otherwise "jeopardize the common defense and security of the country." That is a high standard, I might add, for the waiver authority.

Even if the President makes that determination, cooperation cannot proceed until 60 days of continuous session has passed after that determination has been submitted to Congress, further making that provision almost impossible to apply that waiver standard.

So there are two sections, one under the Atomic Energy Act, one under the Glenn amendment, that virtually do what our two colleagues talk about with their amendment. The bill before us would amend the Atomic Energy Act to ensure, by the way, that the Senate can take advantage of expedited procedures—limits on debate and amendment—to pass a joint resolution to overturn such a Presidential waiver.

Even if you got to that point, we have now put a further safeguard in against it, making it virtually impossible to waive the authority under section 129 of the Atomic Energy Act.

So the bill already improves the law relating to what could happen with a so-called nonnuclear weapons state. We are using the language here, but this applies to states that we all, to be honest, know have nuclear weapons. There are several nations we all know about in that category, but they are called nonnuclear weapons states. And yet, here the language is very strong.

Again, I think these sections are important to note. The combination of